

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

STATE OF TEXAS et al.,)
)
)
Plaintiffs,)
)
v.) CASE NO. 4:20-cv-02021
)
)
RISING EAGLE CAPITAL GROUP LLC)
et al.,)
)
Defendants.)

**DEFENDANT SCOTT SHAPIRO'S MOTION TO JOIN AND ADOPT HEALTH
ADVISORS OF AMERICA, INC. AND MICHAEL T. SMITH'S
MOTION *IN LIMINE* TO BAR PLAINTIFFS' SUPPLMENTAL
EXPERT REPORT DATED APRIL 19, 2023 AND TESTIMONY REGARDING
THE ULTIMATE QUESTIONS IN THIS CASE**

Defendant Scott Shapiro ("Shapiro") makes and files his Motion to Join and Adopt Health Advisors of America, Inc. ("HAA") and Michael T. Smith's ("Smith) Motion *In Limine* to Bar Plaintiffs' Supplemental Expert Report Dated April 19, 2023 and Testimony Regarding the Ultimate Questions in this Case (the "Motion") (Doc No. 231-10). In support thereof, Shapiro would respectfully show the Court the following:

I.

On May 8, 2023, HAA and Smith filed the Motion arguing that Plaintiffs produced the Supplemental Expert Report of Michal Shores (dated April 19, 2023) on April 21, 2023, which is after the close of discovery, the filing of motions for summary judgment, and just before trial. The Motion notes that Plaintiffs did so without seeking leave to modify the Docket Control Order and have had their expert provide new opinions. The Motion also notes that the prior expert report

dated January 7, 2022 was produced in accordance with the modified Docket Control Order entered on January 6, 2022. (Doc. No. 148) but that each subsequent Docket Control Order stated “N/A” for Identification of plaintiffs’ expert and production of experts’ reports. (See Doc. Nos. 168, 172, 189, and 206). Shapiro joins and adopts the Motion and urges the Court to grant the same.

II.

Shapiro respectfully requests that the Court grant his Motion to Join and Adopt and grant HAA and Smith’s Motion *in Limine* to bar Plaintiffs’ Experts Supplemental Report dated April 19, 2023 and Testimony Regarding the Ultimate Questions in this Case, bar any additional opinions or testimony addressed in that Supplemental Expert Report, and for any other relief that this Court deems necessary and just.

Date: May 9, 2023

RESPECTFULLY SUBMITTED,

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the foregoing has been served via ECF upon all counsel of record this 9th day of May, 2023.

/s/ David R. Thrasher

David R. Thrasher